

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT  
08 MAY 22 PM 5: 13FOR THE DISTRICT OF NEBRASKA

OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES C. ASMUS,

Defendant.

8:08CR 195

INDICTMENT

[18 U.S.C. § 922(g)(3)

18 U.S.C. § 924(d) and 28 U.S.C.  
§2461(c)]

The Grand Jury charges:

COUNT I

On or about the 12th day of May, 2008, in the District of Nebraska, the defendant, JAMES C. ASMUS, then being an unlawful user of and addicted to a controlled substance as defined in Title 21, United States Code, Section 802, to wit: methamphetamine, did knowingly possess in and affecting commerce, a firearm which had been shipped and transported in interstate or foreign commerce, to wit: Ruger .22 cal rifle Model: 10/22 serial number: 241-32298; Winchester 12 ga. Shotgun Model: Super X serial number: M13181; Remington .270 cal bolt-action rifle Model: 700 serial number: A6203080; Browning 12 ga. Shotgun Model: Light Twelve serial number: 56224; Remington 12 ga. Shotgun Model: 11-87 serial number: PC024192; Winchester .264 caliber rifle Model: 70 serial number: 476643; Unknown tactical type 12 ga. Pump shotgun serial number: L3210491; Remington 7m bolt action rifle Model: 700 serial number: C6866509; Winchester 30-30 caliber rifle Model: 94 serial number: 2010335; Winchester 12 ga. Pump shotgun Unknown model serial number: 384831; Remington .270 cal rifle Model: 700 serial number: C6560244; Colt .223 cal semi-auto rifle Model: AR 15 A1 serial number: SP337702; Savage Arms .22 cal break-open rifle Model: 24 S-A serial number: None; Winchester .22 cal pump rifle Model: 6 serial number: 813157; Professional Ordinance INC. 5.56 cal rifle Model: Carbon 15

Model: 700 serial number: C6866509; Winchester 30-30 caliber rifle Model: 94 serial number: 2010335; Winchester 12 ga. Pump shotgun Unknown model serial number: 384831; Remington .270 cal rifle Model: 700 serial number: C6560244; Colt .223 cal semi-auto rifle Model: AR 15 A1 serial number: SP337702; Savage Arms .22 cal break-open rifle Model: 24 S-A serial number: None; Winchester .22 cal pump rifle Model: 6 serial number: 813157; Professional Ordnance INC. 5.56 cal rifle Model: Carbon 15 serial number: C03695; Poly Technologies Model: AKS 762 7.62 x 39 mm cal semi-auto rifle serial number: PF-07100; Remington 12 ga. Pump shotgun Model: 10 serial number: 248659; Gesichert 9mm pistol Model: 1920/1918 serial number: 6868; Ruger .22 caliber pistol Model: Mark II Target Serial number: 212-97799; Colt .45 caliber revolver Model: Virginian Dragoon serial number: D 0072; J Stevens & Arms 12 ga. Pump shotgun Model: unknown serial number: 29404; Trail Guns Armory Model: unknown 45-70 caliber rifle serial number: C5494; Ithaca 12 ga. Double barrel shotgun Model: unknown serial number: 359735; and Barretta 12 ga, double barrel shotgun Model: S 686 serial number: U 01805

B.

3. If any of the property described above, as a result of any act or omission of the defendant:
  - a. cannot be located upon exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty,

serial number: C03695; Poly Technologies Model: AKS 762 7.62 x 39 mm cal semi-auto rifle serial number: PF-07100; Remington 12 ga. Pump shotgun Model: 10 serial number: 248659; Gesichert 9mm pistol Model: 1920/1918 serial number: 6868; Ruger .22 caliber pistol Model: Mark II Target Serial number: 212-97799; Colt .45 caliber revolver Model: Virginian Dragoon serial number: D 0072; J Stevens & Arms 12 ga. Pump shotgun Model: unknown serial number: 29404; Trail Guns Armory Model: unknown 45-70 caliber rifle serial number: C5494; Ithaca 12 ga. Double barrel shotgun Model: unknown serial number: 359735; and Barretta 12 ga, double barrel shotgun Model: S 686 serial number: U 01805 B.

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

**COUNT II**

1. The allegations contained in Count I of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1) set forth in Count I of this Indictment the defendant, JAMES C. ASMUS, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved or used in the knowing or willful commission of the offense, including, but not limited to a Ruger .22 cal rifle Model: 10/22 serial number: 241-32298; Winchester 12 ga. Shotgun Model: Super X serial number: M13181; Remington .270 cal bolt-action rifle Model: 700 serial number: A6203080; Browning 12 ga. Shotgun Model: Light Twelve serial number: 56224; Remington 12 ga. Shotgun Model: 11-87 serial number: PC024192; Winchester .264 caliber rifle Model: 70 serial number: 476643; Unknown tactical type 12 ga. Pump shotgun serial number: L3210491; Remington 7m bolt action rifle

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. §924(d) and § 2461(c).

A TRUSTEE  
[REDACTED]  
FOREPERSON

  
JOE W. STECHER  
United States Attorney

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

  
DOUGLAS R. SEMISCH  
Assistant U.S. Attorney